

# Exhibit 8

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

KEVIN WEBB, Individually and  
as Representative of the Estate of  
ROBERT ALLEN WEBB, et al.,  
Plaintiff,

v.

BRAD LIVINGSTON, et al.,  
Defendants.

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CIVIL ACTION NO. 6:13-cv-00711

DEFENDANT BRAD LIVINGSTON'S RESPONSE TO PLAINTIFF KEVIN WEBB'S  
FIRST SET OF INTERROGATORIES

TO: Jeff Edwards, Scott Medlock, The Edwards Law Firm, The Haehnel Building,  
1101 East 11th Street Austin, TEXAS 78702.

COMES NOW the Defendant, Brad Livingston, by and through counsel, the Texas  
Attorney General's Office, and offers the following **Defendant Brad Livingston's Response to  
Plaintiff Kevin Webb's First Set of Interrogatories.**

Respectfully submitted,

GREG ABBOTT  
Attorney General of Texas

DANIEL T. HODGE  
First Assistant Attorney General

DAVID C. MATTAX  
Deputy Attorney General for Defense Litigation

KAREN D. MATLOCK  
Assistant Attorney General  
Chief, Law Enforcement Defense Division



**DEMETRI ANASTASIADIS**

**Assistant Attorney General**

**Attorney-In-Charge**

**State Bar No. 01164480**

**Law Enforcement Defense Division**

**P. O. Box 12548, Capitol Station**

**Austin, Texas 78711**

**(512) 463-2080 / (512) 495-9139 (fax)**

**ATTORNEYS FOR DEFENDANT**

**BRAD LIVINGSTON**

**CERTIFICATE OF SERVICE**

**I, DEMETRI ANASTASIADAS, Assistant Attorney General of Texas, do hereby certify that a true and correct copy of the above and foregoing Defendant Brad Livingston's Response to Plaintiff Kevin Webb's First Set of Interrogatories has been served by electronic mail and by FedEx overnight mail on November 22, 2013, as follows:**

**Jeff Edwards  
Scott Medlock  
The Edwards Law Firm  
The Haehnel Building  
1101 East 11th Street  
Austin, TX**


**FedEx Overnight Mail No. 7972 3309 3912**

**Bruce Garcia  
Assistant Attorney General  
P.O. Box 12548, Capitol Station  
Austin, Texas 78711**

**Interagency Mail**

**Kim Coogan**  
**Assistant Attorney General**  
**P.O. Box 12548, Capitol Station**  
**Austin, Texas 78711**  
**Shanna Elizabeth Molinare**  
**Assistant Attorney General**  
**P.O. Box 12548, Capitol Station**  
**Austin, Texas 78711**

**Interagency Mail**

  
**DEMETRI ANASTASIADIS**  
**Assistant Attorney General**

On units with sufficient electrical outlets for offenders to have personal fans, TDCJ has a robust fan program. Offenders are permitted to purchase a fan through the unit commissary, or if indigent, be provided with a personal fan at no cost. Wet cooling towels are also sold to offenders to mitigate the heat. Air flow and fresh air exchange is increased through the usage of floor fans, wall mounted fans, and purge blowers to assist in the movement of air.

TDCJ staff works closely with medical professionals who have identified offenders with conditions that make them more susceptible to the heat and security staff performs additional wellness checks for those offenders.

Further, the TDCJ Risk Management Office takes the following steps: On a unit level, risk managers monitor compliance with AD-10.64 including monitoring daily outdoor temperature readings, coordinating with unit medical personnel to conduct heat-related training each spring, and documenting training as required by policy. The unit risk manager also provides "Heat/Cold Weather Cards" to officers and unit staff and investigates injuries and illnesses suffered by staff or offenders, including those associated with temperature extremes or weather.

Agency-wide, Risk Management monitors compliance with AD-10.64 through an operational review process which is outlined in ED-02.92 *Operational Review Program*. Unit reviews are conducted twice each year, regional reviews are conducted annually, and division level reviews are conducted every three years using checklists published in the Unit Operational Review Manual. Risk Management also posts heat precaution messages for offenders in the ECHO newspaper, including messages in Issues 4, 5, and 6 of Volume 84 and messages in Issues 3 and 6 of Volume 85. Finally, the Risk Management Office prepares training circulars regarding hot weather precautions.

Procedures used to mitigate heat are continually reviewed by TDCJ staff. Division leadership meets prior to each summer to prepare for the upcoming summer. Currently, AD 10.64 is being reviewed to consider any additional steps that may be adopted.

See also heat safety training and circulars produced in response to Plaintiff Stephen McCollum's First Request for Production to TDCJ, numbers 3-5 in *McCollum v. Livingston*, 3:12-cv-02037, U.S. District Court-Northern District- Dallas.

**INTERROGATORY NO. 12:** Please identify and describe in detail all communications you are aware of and/or contributed to discussing temperatures over 90 degrees Fahrenheit in TDCJ facilities.

**RESPONSE:** Defendant objects that this request seeks documents and/or information to which the attorney-client privilege, anticipation of litigation privilege, and litigation strategy privilege may apply. Defendant further objects that this request is overly broad and not reasonably limited in scope, time, or geographic location. This lawsuit is about one offender death at a particular prison unit.

**Subject to and without waiving the foregoing objections, I have had periodic discussions concerning high temperatures in inmate housing areas in TDCJ facilities with Jeff Baldwin, Rick Thaler, William Stephens, Jerry McGinty, Jackie Edwards, Oscar Mendoza, Dr. Lanette Linthicum and Bryan Collier. See also documents produced to plaintiffs' attorneys in *McCollum, et al. v. Livingston, et al.*, 3:12-cv-02037, U.S. District Court, Northern District-Dallas.**

**In addition, I testified before the 83d Texas Legislature on February 20, 2013, March 13, 2013, and April 10, 2013, at which, on occasion, I was asked about temperatures in TDCJ facilities.**

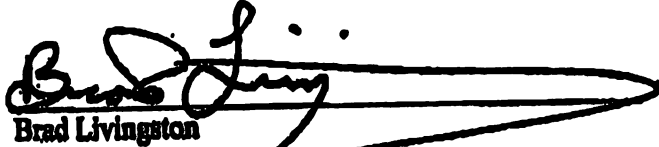
**VERIFICATION**

**STATE OF TEXAS**

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**COUNTY OF WALKER**

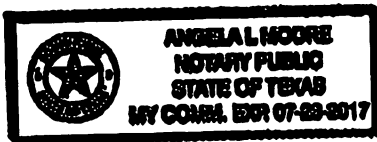
**BEFORE ME**, the undersigned authority, on this day personally appeared Brad Livingston, who, being personally known to me, after being duly sworn upon his oath deposed and stated that the foregoing responses to Plaintiff Kevin Webb's First Request for Interrogatories in *Webb v. Livingston*, Civil Action No. 6:13-cv-00711, are true, correct and complete to the best of his knowledge; and he is authorized to execute this verification.

  
Brad Livingston  
Executive Director  
Texas Department of Criminal Justice

**BEFORE ME**, the undersigned authority, on this day personally appeared Brad Livingston, known personally to me to be the person subscribed in the foregoing instrument.

Given under my hand and seal of office on this 18<sup>th</sup> day of November 2013.

  
Notary Public in and for the State of Texas



Angela Moore  
Printed Name

My Commission Expires July 23, 2017